

~~EXHIBIT D~~

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW CENTURY LIQUIDATING
TRUST AND REORGANIZED NEW
CENTURY WAREHOUSE
CORPORATION, by and through Alan M.
Jacobs, Liquidation Trustee and Plan
Administrator,

CIV. NO.: 1:09-cv-03144-CM

ECF CASE

Plaintiff,

- against -

KPMG International,

Defendant.

NOTICE OF DISMISSAL PURSUANT TO RULE 41(A)

To all parties and the Clerk of Court:

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff hereby dismisses with prejudice the above-captioned action in its entirety.

Date: ^{December} ~~November~~ 9, 2009

By: _____

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